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Special Counsel to Betta Products, Inc.
and Dana McCurnin, the Trustee of the
Betta Products Litigation Trust

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BETTA PRODUCTS, INC., et al.,

Plaintiffs,

v.

TRANSGLOBAL COMMUNICATIONS, et
al.,

Defendants.

No. C 05-02273 CRB

**STIPULATION TO CONTINUE LAST
DAY TO HEAR MOTION FOR
SUMMARY JUDGMENT ON ISSUE OF
WHETHER PLAINTIFF HAD TRADE
SECRETS TO OCTOBER 19, 2007;
~~[PROPOSED]~~ ORDER THEREON**

**TO THE HONORABLE CHARLES R. BREYER, UNITED STATES DISTRICT COURT
JUDGE:**

This “Stipulation To Continue Last Day to Hear Motion for Summary Judgment on Issue of Whether Plaintiff Had Trade Secrets to October 19, 2007” (hereafter, “Stipulation”) is made by and between special counsel of record for Betta Products, Inc., (“Betta”) and Dana McCurnin, trustee of the Betta Products Litigation Trust, (collectively, “Plaintiffs”), counsel of record for Timothy Quinn, and counsel of record for Ralph Becker, Robert Raschke, Steven Prescott,

1 Andrew Dyakon, and Transglobal Communications Group USA, Inc., (“Transglobal”)
2 (collectively, Ralph Becker, Robert Raschke, Steven Prescott, Andrew Dyakon, and Transglobal
3 shall be referred to as the “Transglobal Defendants”). Reference is made to the following facts
4 and terms of agreement:
5

6 RECITALS

7 A. In the Third Amended Complaint, Plaintiffs asserted a claim against all
8 Defendants that Defendants misappropriated Betta’s trade secrets in violation of California Civil
9 Code §3426 *et al.*

10 B. The determination of whether Betta has any protectible trade secrets, as defined
11 by California Civil Code §3426.09 will have a significant impact on Plaintiffs’ claim for
12 misappropriation of trade secrets, and also on Plaintiffs’ eight other related claims.

13 C. At a continued Status Conference held on September 8, 2006, the Court ordered
14 that February 16, 2007 would be the last day to hear motions for summary judgment on the issue
15 of whether Betta has any protectible trade secrets.

16 D. That date was later extended by stipulation of the parties to March 30, 2007, and
17 again to May 25, 2007.

18 E. Defendants have begun the deposition of the person most knowledgeable at Betta
19 and have conducted two full days of deposition but have not yet concluded the deposition.

20 F. The parties are currently trying to schedule a date for a third day of deposition, for
21 the continuation of the deposition of the person most knowledgeable at Betta.

22 G. Plaintiffs and counsel for the Transglobal Defendants have begun preliminary
23 settlement discussions and additional time is needed to progress the settlement discussions.

24 H. Counsel for the Transglobal Defendants is scheduled to start a jury trial in Los
25 Angeles Superior Court that is currently estimated to last approximately six weeks. Counsel for
26 the Transglobal Defendants has been trailing for trial in this matter since November 29, 2006,
27
28

1 waiting for a trial court assignment, and anticipated that he will be assigned for trial within the
2 next 30 days and will be unavailable for deposition until that trial is completed.

3 I. Plaintiffs and all Defendants agree to enter into this Stipulation subject to and in
4 accordance with the terms set forth below.

5
6 STIPULATION

7
8 Based upon the foregoing, Plaintiffs and Defendants agree as follows:

9 1. The recitals above are incorporated into this agreement.

10 2. The last day to hear motions for summary adjudication or summary judgment on
11 the issue of whether Betta has any protectible trade secrets is continued to October 19, 2007.

12 3. All briefing shall be pursuant to the Federal Rules of Civil Procedure based upon
13 the continued hearing date of no later than October 19, 2007.

14
15 8. This Stipulation may be executed in one or more counterparts and by e-mail or
16 facsimile, each of which taken together constitutes the original.

17 IN WITNESS WHEREOF, the parties hereto have executed this Stipulation as of the
18 dates set forth below by and through their respective counsel of record, or authorized
19 representative.

20
21 DATED: April 19, 2007

MCGUIREWOODS, LLP

22
23
24 By: /s/
25 Leslie M. Werlin
26 Counsel for Defendants -
27 Transglobal Communications Group USA, Inc.,
28 Andrew Dyakon, Ralph Becker, Robert Raschke,
and Steve Prescott

(signatures continue on next page)

1 DATED: April 20, 2007

The LAW OFFICES OF JOHN O'CONNOR

2
3 By: /s/
4 John O'Conner
5 Counsel for Defendant, Timothy Quinn

6 DATED: April 19, 2007

BRINKMAN PORTILLO, PC

7
8
9 By: /s/
10 Laura J. Portillo
11 Special Counsel for Plaintiffs, Betta Products, Inc.,
12 and Dana McCurnin, Trustee of the Betta Products
13 Litigation Trust

14 ORDER

15 IT IS SO ORDERED that the terms of the Stipulation set forth above are adopted as the
16 terms of this Order. **No further continuances will be granted.**

17 DATED: April 23, 2007

